UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,836	03/23/2004	Scott Manchester	30835/306765	4232

45373   7590   03/25/2009

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EXAMINER
MCLEOD, MARSHALL M

ART UNIT	PAPER NUMBER
2457	

MAIL DATE	DELIVERY MODE
03/25/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/806,836	MANCHESTER ET AL.
	Examiner	Art Unit	
	MARSHALL MCLEOD	2457	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>13 February 2009</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-31</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-31</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>02/13/2009</u>.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

Response to Amendment

1.   This Office action has been issued in response to amendment filed 13 February 2009.

Claims 1-31 are pending. Applicant's arguments have been carefully considered and were found

persuasive and as such the examiner withdraws the prior rejection, in view of this new rejection.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   **Claims 1-5, 7-10, 12-19, 21-24, 26-29 and 31 are a rejected under 35 U.S.C. 10(a) as**

being unpatentable over King et al. (Pub. No US 2002/0087868 A1), hereinafter King, in

view of Quorum Consensus Protocol Tailored for the Client/Server Architecture, Soufi;

(October 1993) and further in view of Policy based SLA management in enterprise

networks, hereinafter Verma; (2001).

4.   With respect to claim 1, King discloses a computer storage medium having computer-

executable instructions for configuring wireless (Page 11 [158], lines 6-10) devices for forming a

network (page 2 [0011], lines 1-4), comprising: collecting network settings for the network,

(Page 6 [0084], lines 1-10); generating a file including the network settings configuration (Page

4 [0059]); writing the file to a portable computer readable media device (Page 2 [0011], lines 1-

4; Page 12 claim 4); connecting the portable media device to a computing device for configuring

the computing device for joining the network (Abstract); removing the portable media device

from the initiating computer (Page 4; [0059]-[0061].

King does not disclose, a peer to peer network; prompting a user, through a user interface of an

initiating computer, to create network settings for the ad hoc peer to peer wireless network; or

that the file is an XML file.

However, Soufi discloses a peer to peer network (Page 86, Paragraph 6.1, Peer-to-Peer client-

server (PPCS) model; lines 1-10).

It would have been obvious to a person having ordinary skill in the art at the time of the

invention to modify the teachings of King with the teachings of Soufi, in order to reduced cost.

It is also relatively inexpensive and fairly simple to set up and manage.

The combination of King and Soufi do not disclose prompting a user, through a user interface of

an initiating computer, to create network settings for the network. or that the file is an XML file.

However, Verma discloses prompting a user, through a user interface of an initiating computer, to create network settings for the network (Page 3; Qos Management Tool, Paragraph 1, lines 1-9), and an XML file containing settings (Page 5; Qos Management Tool, Paragraphs 1-2, lines 1-12).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the teachings of King and Soufi with the teachings of Verma in order to provide an easy and helpful GUI interface setup for the network in order to speed up the configuration of different networks.

5.   With respect to claim 2, it is rejected for the same reasons as claim 1 above. In addition **King as modified** discloses wherein the step of collecting network settings includes generating, by the initiating computer, default values for selected peer to peer network settings (King, page 5 [0067]).

6.   With respect to claim 3, it is rejected for the same reasons as claim 2 above. In addition **King as modified** discloses wherein the step of generating default values includes invoking an application program interface (API) of an operating system of the initiating computer to generate the default values for the selected peer to peer network settings (King, page 5 [0067]; i.e. . . . to manually configure the software. . .).

7.   With respect to claim 4, it is rejected for the same reasons as claim 2 above. In addition **King as modified** discloses wherein the step of collecting peer to peer network settings includes generating a security key for the ad hoc peer to peer wireless network (King, Abstract lines 11-15).

8.   With respect to claim 5, it is rejected for the same reasons as claim 1 above. In addition **King as modified** discloses wherein the step of collecting peer to peer network settings includes receiving peer to peer network settings data entered by the user (King, page 4 [0057]; [0059]).

9.   With respect to claims 7, 12, 21, 26 and 31, **King as modified** discloses an invention as described in claims 7, 12, 21, 26 and 31, a computer storage medium, wherein the portable media device is a flash memory card (King, page 4 [0057]-[0058]).

10.   With respect to claim 8, it is rejected for the same reasons as claim 1 above. In addition **King as modified** discloses a computer storage medium as in claim 1, having further computer-executable instructions for performing steps of: detecting reconnection of the portable media device to the initiating computer (King, pages 4-5 [0064], lines 1-11); and retrieving by the initiating computer configuration data written by the computing device into the portable media device in connection with configuring the computing device for joining the network (King, page 2 [0011] lines 1-4; King, page 1 [0001]).

11.   With respect to claim 9, discloses a portable media device for provisioning a computing

device with network settings (Page 11 [158], lines 6-10), the portable media device having stored

thereon data comprising: a file containing network settings for setting up the computing device to

join a network when the portable media device is connected to the computing device (Page 4

[0059]); a plurality of configuration log files with each of the plurality configuration log files

indicating network settings provisioned onto a different computing device (Page 4 [0059]).

King does not disclose the peer to peer network settings for the ad hoc peer to peer wireless

network; XML file.

However, Soufi discloses a peer to peer network (Page 86, Paragraph 6.1, Peer-to-Peer client-

server (PPCS) model; lines 1-10).

It would have been obvious to a person having ordinary skill in the art at the time of the

invention to modify the teachings of King with the teachings of Soufi, in order to reduced cost.

It is also relatively inexpensive and fairly simple to set up and manage.

The combination of King and Soufi do not disclose a XML file containing network settings.

However, Verma discloses an XML file containing settings (Page 5; Qos Management Tool,

Paragraphs 1-2, lines 1-12).

It would have been obvious to a person having ordinary skill in the art at the time of the

invention to modify the teachings of King and Soufi with the teachings of Verma in order to

provide a human-readable format for representing information, which is useful in the debugging and deployment onto other systems for a faster network setup.

12.   With respect to claim 10, it is rejected for the same reasons as claim 9 above. In addition **King as modified** discloses wherein the data stored on the portable media device further includes an autorun file for prompting the computing device to automatically apply the peer to peer network settings configuration (King, pages 4-5 [0064]).

13. With respect to claim 13, it is rejected for the same reasons as claim 9 above. In addition **King as modified** discloses wherein the peer to peer network settings include a peer to peer network name and a peer to peer network security key for the ad hoc peer to peer wireless network (King, Abstract; page 2 [0011]; page 2 [0013]).

14.   With respect to claim 14, it is rejected for the same reasons as claim 9 above. In addition **King as modified** discloses a network configuration application to be executed for configuring the computing device when the portable media device is connected to the computing device (King, page 2 [0011], lines 1-4; page 5 [0069], lines 1-9).

15.   With respect to claim 15, King discloses method of provisioning a wireless computing device with network settings for joining a network, comprising: determining network settings for the network, the settings including a name and a network security key for the network (Page 2 [0011], lines 1-4); and generating a file including the network settings for the network (Page 4

[0059]); writing the file to a portable media device, wherein the steps of determining, generating, and writing are performed on an initiating computer of the network (Page 2 [0011], lines 1-4; Page 12 claim 4).

King does not disclose the peer to peer network settings for the ad hoc peer to peer wireless network; and an XML file including the peer to peer network settings for the ad hoc peer to peer wireless network.

However, Soufi discloses a peer to peer network (Page 86, Paragraph 6.1, Peer-to-Peer client-server (PPCS) model; lines 1-10).
It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the teachings of King with the teachings of Soufi, in order to reduced cost. It is also relatively inexpensive and fairly simple to set up and manage.

The combination of King and Soufi do not disclose a XML file containing network settings. However, Verma discloses an XML file containing settings (Page 5; Qos Management Tool, Paragraphs 1-2, lines 1-12).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the teachings of King and Soufi with the teachings of Verma in order to provide a human-readable format for representing information, which is useful in the debugging and deployment onto other systems for a faster network setup.

16.   With respect to claim 16, it is rejected for the same reasons as claim 15 above. In addition **King as modified** discloses connecting the portable media device to the computing device to be provisioned (King, page 2 [0011], lines 1-4); and executing a configuration program on the computing device to automatically configure the computing device using the peer to peer network settings in the XML file on the portable media device (King, pages 4-5 [0064]).

17.   With respect to claim 17, it is rejected for the same reasons as claim 16 above. In addition **King as modified** discloses wherein the step of determining includes generating by the initiating computer a peer to peer network security key for the ad hoc peer to peer wireless network (King, page 2 [0013], lines 1-3).

18.   With respect to claim 18, it is rejected for the same reasons as claim 17 above. In addition **King as modified** discloses wherein the step of determining includes prompting a user to enter a peer to peer network security key for the ad hoc peer to peer wireless network (King, page 9 [0121], lines 1-8).

19.   With respect to claim 19, it is rejected for the same reasons as claim 18 above. In addition **King as modified** discloses wherein the step of determining includes invoking an application program interface (API) of an operating system of the initiating computer to provide the peer to peer network settings (King, page 5 [0067]; i.e. . . . to manually configure the software. . .).

20.   With respect to claim 22, **King as modified** discloses detecting installation of a portable

media device on the computing device, the portable media device containing network settings for

the network (Pages 4-5 [0064], lines 1-11); and automatically configuring the computing device

for joining the network using the network settings contained in the portable media device (Pages

4-5 [0064], lines 1-11).

King does not disclose a peer to peer network settings contained in an XML file. It is well

known in the art that a local area network (LAN) as disclosed by King, can have either one of

two forms of LANs: a peer-to-peer-based LAN or a client-server-based LAN.

However, Soufi discloses a peer to peer network (Page 86, Paragraph 6.1, Peer-to-Peer client-

server (PPCS) model; lines 1-10).

It would have been obvious to a person having ordinary skill in the art at the time of the

invention to modify the teachings of King with the teachings of Soufi, in order to reduced cost.

It is also relatively inexpensive and fairly simple to set up and manage.

The combination of King and Soufi do not disclose a XML file containing network settings.

However, Verma discloses an XML file containing settings (Page 5; Qos Management Tool,

Paragraphs 1-2, lines 1-12).

21.   With respect to claim 23, it is rejected for the same reasons as claim 22 above. In addition **King as modified** discloses wherein the step of automatically configuring includes recognizing that the portable media device contains peer to peer network settings, and invoking a configuration program to implement the peer to peer network settings in the computing device (King, pages 4-5 [0064], lines 1-11).

22.   With respect to claim 24, it is rejected for the same reasons as claim 22 above. In addition **King as modified** discloses having further computer- executable instructions for performing the step of writing network settings configured on the computing device into the portable media device (King, page 12, claim 18).

23.   With respect to claims 27 and 29, King discloses a method of configuring a device for operation in a network (page 3 [0041], lines 6-11), comprising (page 2 [0011], lines 1-4): detecting the installation of a portable media device on the computing device, the portable media device containing network settings for the network (pages 4-5 [0064], lines 1-11); and automatically configuring the computing device for joining the network using the network settings contained in the portable media device (page 4-5 [0064], lines 1-11).

King does not disclose a peer to peer network settings contained in an XML file. It is well known in the art that a local area network (LAN) as disclosed by King, can have either one of two forms of LANs: a peer-to-peer-based LAN or a client-server-based LAN.

However, Soufi discloses a peer to peer network (Page 86, Paragraph 6.1, Peer-to-Peer client-server (PPCS) model; lines 1-10).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the teachings of King with the teachings of Soufi, in order to reduced cost. It is also relatively inexpensive and fairly simple to set up and manage.

The combination of King and Soufi do not disclose a XML file containing network settings. However, Verma discloses an XML file containing settings (Page 5; Qos Management Tool, Paragraphs 1-2, lines 1-12).

24.   With respect to claim 28, it is rejected for the same reasons as claim 22 above. In addition **King as modified** discloses wherein the step of automatically configuring includes recognizing that the portable media device contains peer to peer network settings, and invoking a configuration program to implement the peer to peer network settings in the computing device (King, pages 4-5 [0064], lines 1-11).

25.   **Claims 6, 11, 20, 25 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over King in view of Soufi, in view of Verma and further in view of Polcha et al. (Pub. Number US 2003/0217126 A1), hereinafter Polcha.**

26.   With respect to claims 6, 11, 20, 25 and 30, neither King nor Soufi nor Verma, discloses

wherein the portable computer storage media device is a USB flash drive.

However, Polcha discloses the use of USB drive for network configuration (page 11 [0124], page

12 claim 7).

It would have been obvious to a person having ordinary skill in the art at the time of the

invention to modify the portable storage device of King to be a USB flash drive because King

discloses where the portable storage device is hand holdable and hand insertable into and remove

from the computer system, such as a SIM, or MEMORY STICK (page 4 [0058]), and King

further discloses the computer system equipped with USB interfaces (page 11 [0150]), and

Polcha suggests that the use of USB drive for network configuration. A person with ordinary

skill in the art would have been motivated to make the modification to King because having the

USB drive as the portable storage medium would allow hardware to be simply plugged in and

automatically recognized (Plug and Play) while the computer is running as taught by Polcha.

Response to Arguments

28.   Applicant's arguments with respect to claims 1-31 have been considered but are moot in

view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARSHALL MCLEOD whose telephone number is (571)270-3808. The examiner can normally be reached on Monday - Thursday 6:30 a.m-4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ramy M Osman/
Primary Examiner, Art Unit 2457

Marshall McLeod
Art Unit 2457